IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 13415 of 2005

Between:

M/s. K. Yellaiah & Sons Works Contractors Pragati Nagar Nizamabad Nizamabad District Andhra Padesh, rep by Partner Sri K. Ramesh, S/o Late Sri K. Yellaiah **.... PETITIONER**

AND

1 The Commercial Tax Officer-III, Nizamabad
2 The Appellate Deputy Commissioenr of Commercial taxes, Secunderabad Division,
Hyderabad 5th Floor, Commercial Tax Buildings, Opp: Gandhi Bhavan, Nampally, Hyderabad.
3 The Executive Engineer (R&B) Division, Nizamabad
4 The Executive Engineer (R&B) Division Bodhan
5 The Executive Engineer (PA), Nizamabad
6 The Executive Engineer (PR) Division, Nizamabad
7 The Executive Engineer (R&B) NH Division Perkit, Nizmabad District
8 The Executive Engineer (R&B) Adilabad Division, Head Quarters at Nirmal

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, direction or order especially in the nature of Writ of Mandamus declaring the action of the 1st Respondent in issuing the impugned notice dated 18-05-2005 under Section 17 of the Andhra Pradesh General Sales Tax Act, 1957 calling upon Respondents 3 to 8 to pay a sum of Rs. 19,75,084/- said to be the due of Sales tax for assessment year 2003-04 under Andhra Pradesh General Sales Tax Act, 1957 to the 1st Respondent as illegal, arbitrary and against the settled principles of law and pass such other orders.

Counsel for the Petitioner:MR.S.RAVI

Counsel for the Respondent Nos.1 to 8: GP FOR COMMERCIAL TAXES

The Court made the following :

ORAL ORDER: (per the Hon'ble Sri Bilal Nazki, ACJ)

Heard the learned counsel for the parties. With their consent, the writ petition is disposed of at this stage.

Shorn of the details leading to filing of this case, it is the case of the petitioner that he has already filed an appeal on 17.6.2005 along with a stay application with regard to assessment for the year 2003-2004 and the department is insisting on payment.

In these circumstances, we dispose of the writ petition directing stay of recovery till the stay application is decided by the competent authority. No costs.

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BILAL NAZKI, ACJ

DATE: 23rd June, 2005

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K.C. BHANU,J

Pnb

To

1 The Commercial Tax Officer-III, Nizamabad
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8 The Executive Engineer (R&B) Adilabad Division, Head Quarters at Nirmal.

9 Two C.Cs. to the G.P. for Commercial Taxes, High Court Buildings, Hyderabad.(OUT)

10 Two C.D. copies